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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 [insert name of plaintiff],
12 Plaintiff,
13 vs.
14 JO ANNE B. BARNHART,
15 Commissioner of Social
16 Security,
17 Defendant.

Case No. CV

CASE MANAGEMENT ORDER
[Social Security]

18 In accordance with General Order 05-01, this case is designated for electronic
19 filing. Counsel shall electronically file all documents by 5:00 p.m. on or before the
20 due date.

21 In order to facilitate the just, speedy, and inexpensive determination of this
22 case, the parties shall comply with the following instructions:
23

24 **I. Service of the Summons and Complaint**

25 Plaintiff shall promptly serve the summons and complaint on the Commissioner
26 of the Social Security Administration pursuant to Rule 4(i) of the Federal Rules of
27 Civil Procedure. Such service shall consist of sending a copy of the summons and
28 complaint by registered or certified mail to each of the following: (a) the United

1 States Attorney for the Central District of California, or his or her authorized agent,
2 addressed to the Civil Process Clerk, Office of the United States Attorney, Civil
3 Division, Room 7516, Federal Building, 300 North Los Angeles Street, Los Angeles,
4 California 90012; (b) the Commissioner of Social Security in Washington, D.C.; and
5 (c) the Attorney General of the United States in Washington, D.C.

6 Plaintiff shall electronically file proof of service showing compliance with this
7 paragraph within twenty-eight (28) days after the filing of the complaint.¹ Failure to
8 comply with this paragraph may result in dismissal of this case.

9 10 **II. Motion to Dismiss**

11 Any motion to dismiss the complaint shall be electronically filed in accordance
12 with the rules governing noticed motions. The motion shall be deemed submitted on
13 the basis of the papers timely filed as of the hearing date, without oral argument,
14 unless the Court orders otherwise. See Fed. R. Civ. P. 7 and 12; C.D. Cal. Local
15 Rules 7 and 12. Courtesy copies of all motion papers (including the opposition and
16 reply), with the Notice of Electronic Filing attached, shall either (a) be delivered to
17 the court clerk in the pro se office on the Fifth floor of 312 N. Spring Street, Los
18 Angeles, California no later than 4:00 p.m. on the next court day, or (b) be mailed to
19 the court clerk at the above address no later than the next court day.

20 21 **III. Service of Administrative Record and Notice Thereof**

22 The Commissioner shall have one hundred and twenty (120) days from the date
23 _____

24 ¹ If this Case Management order is electronically filed prior to service of the
25 summons and complaint, plaintiff shall serve a copy of it concurrently with the
26 summons and complaint. If this Order is electronically filed after service of the
27 summons and complaint, plaintiff shall serve a copy of it by first-class mail on the
28 Office of the United States Attorney within fourteen (14) days from the date the Order
is electronically filed, and plaintiff shall promptly file electronically a proof of service
with the Court.

1 of service of the complaint in which to serve a complete copy of the certified
2 administrative record on plaintiff and electronically file a notice of service with the
3 Court.

4
5 **IV. Discovery and Pre-trial Proceedings**

6 No discovery or other pre-trial proceedings not authorized by this Order shall
7 be conducted without leave of court. In particular, no motion for summary judgment
8 shall be filed. The decision in this case will be made on the basis of the pleadings,
9 the administrative record, and the Joint Stipulation filed by the parties. In accordance
10 with Rule 12(c) of the Federal Rules of Civil Procedure, the Court will determine
11 which party is entitled to judgment under the standards set forth in 42 U.S.C. §
12 405(g).

13
14 **V. Mandatory Settlement Procedures**

15 The parties shall engage in good faith settlement negotiations to resolve the
16 matter, according to the following schedule.

17 A. Within twenty-one (21) days of the date of service of the copy of the
18 administrative record, plaintiff shall prepare and deliver to the Assistant United States
19 Attorney (“AUSA”) representing the Commissioner a written and detailed proposal
20 of settlement. Plaintiff shall transmit a copy of the settlement proposal to:

21 Social Security Administration
22 Office of the General Counsel
23 Office of the Regional Chief Counsel, Region IX
24 Attn: Early Review Program
25 333 Market Street, Suite 1500
26 San Francisco, CA 94105
27 Telephone: (415) 977-8943
28 Facsimile: (415) 744-0134

26 B. Within twenty-eight (28) days of receipt of the written settlement
27 proposal, the Commissioner shall evaluate the merits of plaintiff's contentions and
28 confer with plaintiff's counsel in writing by mail or facsimile transmission.

1 C. Within seven (7) days after the service on plaintiff of the
2 Commissioner's written response to the settlement proposal, one of the following
3 actions shall occur:

4 1. The parties shall electronically file a stipulation dismissing,
5 remanding, or otherwise resolving the case;

6 2. The parties shall electronically file a Joint Status Report advising
7 the Court that they are exercising their option to extend the due dates an
8 additional fourteen (14) days for continued settlement discussions (such
9 extension is automatic upon the filing of the Joint Status Report). Within
10 fourteen (14) days after the electronic filing of the Joint Status Report, the
11 parties shall comply with the options set forth in either paragraph 1 or 3; or,

12 3. The Commissioner shall electronically file and serve an answer
13 (or a noticed motion to remand). The Commissioner shall also manually file
14 the certified administrative record with the Clerk and serve it upon the parties
15 in the traditional manner. A Notice of Manual Filing and Service of the
16 Administrative Record, Form [REDACTED], shall be electronically filed.
17

18 **VI. Joint Stipulation**

19 If the parties cannot resolve the matter in settlement discussions (and there is
20 no motion to dismiss or motion to remand pending before the Court), the parties shall
21 electronically file a Joint Stipulation pursuant to the schedule set forth below. The
22 parties shall cooperate in preparing the Joint Stipulation, and sanctions may be
23 imposed for any failure to cooperate. A Joint Stipulation that is not signed by counsel
24 for both parties may be rejected and returned to counsel. A Joint Stipulation that is
25 filed, but that is not prepared in the manner required by this Order, may be stricken,
26 in which event the parties will be required to cure the defects by electronically filing
27 an Amended Joint Stipulation.
28

1 **VII. Content of Joint Stipulation**

2 The Joint Stipulation shall include (1) a brief summary of the case, (2) the
3 parties' positions with respect to the Administrative Law Judge's ("ALJ") summary
4 of the material medical evidence and testimony of record, (3) a statement of the
5 disputed issues, (4) the parties' contentions with respect to each disputed issue, and
6 (5) the parties' statements of the relief requested. Any issue not raised in the Joint
7 Stipulation may be deemed to have been waived. The Court is familiar with the
8 standard of review and the sequential evaluation process, so the parties should avoid
9 boilerplate discussions of the governing legal standards. Rather, the parties should
10 focus on applying relevant and controlling legal authority to the facts germane to each
11 disputed issue.² When citing cases, statutes, regulations, Social Security Rulings,
12 medical and vocational reference sources, or other legal authority to support their
13 legal arguments, the parties shall provide complete and accurate citations to the
14 portions of those authorities relied upon. The parties shall also specify the evidence
15 upon which they rely to support their contentions, and provide accurate page citations
16 to the administrative record for all evidence relied upon [i.e., "AR ____"]. In
17 addition, all medical terminology (including medical conditions, diagnoses,
18 procedures, tests, anatomical references, and pharmaceuticals) shall be defined in
19 terms understandable to a layperson, preferably by citation to a medical dictionary or
20 glossary from a standard reference work. The parties may not supplement the record
21 beyond definition of technical terms.

22
23 **VIII. Form of Joint Stipulation**

24 The Joint Stipulation shall be prepared in the following format, and shall
25 _____

26
27 ² The parties should cite only controlling case authority (i.e., decisions of the
28 United States Supreme Court or the Ninth Circuit Court of Appeals). If there is no
controlling authority, the parties may cite to the decisions of other courts.

1 comply with the local rules governing form and typeface:

2 A. Summary of the Case

3 Plaintiff shall provide a brief summary of the background facts and procedural
4 history. The Commissioner need not respond to plaintiff's summary, unless the
5 Commissioner believes that plaintiff's summary misstates, mischaracterizes or omits
6 any material facts or proceedings.

7 B. Medical Evidence

8 1. Plaintiff shall state whether she will stipulate that the ALJ's
9 decision fairly and accurately summarizes the material medical evidence and
10 testimony of record. If not, plaintiff shall either (a) specify the respects in
11 which plaintiff contends the ALJ's decision misstates, mischaracterizes, or
12 omits any of the material medical evidence and/or testimony of record, or (b)
13 state that the contentions of misstatement, mischaracterization, or omission are
14 addressed in the argument in support of the Joint Stipulation.

15 2. The Commissioner shall state whether she will stipulate that the
16 ALJ's decision fairly and accurately summarizes the material medical evidence
17 and testimony of record. If not, the Commissioner shall either (a) specify the
18 respects in which the Commissioner contends that the ALJ's decision misstates,
19 mischaracterizes, or omits any of the material medical evidence and/or
20 testimony of record, or (b) state that the contentions of misstatement,
21 mischaracterization, or omission are addressed in the argument in support of
22 the Joint Stipulation.

23 C. Statement of Disputed Issues

24 Plaintiff shall identify and frame, in a neutral fashion, each of the disputed
25 issues that she is raising as the grounds for reversal and/or remand. [Example: "Issue
26 No. 1 – Whether the ALJ properly evaluated plaintiff's subjective complaints of
27 pain."]

28 D. Issues and Contentions

1 1. Statement of Issue (The headings shall conform to the issues listed
2 in the Statement of Disputed Issues.)

3 a. Plaintiff's Contentions Regarding Each Issue -- Plaintiff
4 shall concisely set forth her contentions (including citations to the
5 page(s) of the administrative record where recited evidence is found,
6 complete citations to relevant legal authority, and definitions of medical
7 terminology).

8 b. The Commissioner's Contentions Regarding Each Issue –
9 The Commissioner shall concisely set forth her contentions (including
10 citations to the page(s) of the administrative record where cited evidence
11 is found, complete citations to relevant legal authority, and definitions
12 of medical terminology).

13 c. Plaintiff's Reply Regarding Each Issue – Plaintiff may, but
14 is not required to, reply to the contentions raised by the Commissioner;
15 provided, however, that any such reply does not exceed 56 continuous
16 lines of text per issue.

17 E. Relief Requested

18 1. Plaintiff's statement of relief requested.

19 2. The Commissioner's statement of relief requested.

20
21 **IX. Schedule for Preparation and Filing of Joint Stipulation**

22 The Joint Stipulation shall be prepared and electronically filed according to the
23 following schedule:

24 A. Within twenty-one (21) days of the filing of the answer, plaintiff's
25 counsel shall prepare and deliver to the AUSA a draft of plaintiff's portions of the
26 Joint Stipulation (prepared as described in section VIII, paragraphs A, B, C, D
27 subparagraph a, and E). Plaintiff's counsel shall also provide the AUSA and the
28 Office of Regional Counsel with a printed copy of plaintiff's portions of the Joint

1 Stipulation and a computer-readable copy on diskette or via e-mail. The draft of
2 plaintiff's portions of the Joint Stipulation shall comply with the format and content
3 requirements set forth elsewhere in this order.

4 B. Within twenty-eight (28) days of the date on which plaintiff's counsel
5 provides the AUSA and the Office of Regional Counsel with the draft of plaintiff's
6 portions of the Joint Stipulation, the Commissioner shall provide to plaintiff's counsel
7 the Commissioner's portions of the Joint Stipulation and shall deliver a printed and
8 computer-readable copy of the Commissioner's portions of the Joint Stipulation to
9 plaintiff's counsel.³

10 C. Within fourteen (14) days after the Commissioner provides plaintiff's
11 counsel with the Commissioner's portions of the Joint Stipulation, plaintiff's counsel
12 shall incorporate into the Joint Stipulation any reply that plaintiff may wish to make
13 to the Commissioner's contentions, and shall deliver a completed copy of the Joint
14 Stipulation signed by plaintiff to the AUSA for review, signature and filing. (See
15 paragraph B regarding incorporation and breaking of document.) Plaintiff shall not
16 use the reply to raise new issues that the Commissioner has not had an opportunity
17 to address.

18 D. Within three (3) business days of delivery by plaintiff's counsel of the
19 signed Joint Stipulation, the AUSA shall sign and electronically file the Joint
20 Stipulation. A courtesy copy of the Joint Stipulation, with the Notice of Electronic
21 Filing attached, shall either (a) be delivered to the court clerk in the pro se office on
22 the Fifth floor of 312 N. Spring Street, Los Angeles, California no later than 4:00
23 p.m. on the next court day, or (b) be mailed to the court clerk at the above address no
24 later than the next court day.

25
26 ³ The Court recognizes that different word-processing platforms make
27 incorporation of the entire Joint Stipulation into a single electronic document
28 difficult. If the parties do not use the same word-processing platform, the parties may
organize the Joint Stipulation into different sections on different pages as necessary.

1 **X. Requests for Extensions of Time**

2 The deadlines set forth in this Order are designed to give parties exercising
3 reasonable diligence sufficient time to perform the required acts without seeking
4 extensions of time. Accordingly, the Court discourages requests for extensions of
5 time and will grant them only upon a showing of good cause. Any such request shall
6 set forth specific facts showing that additional time is needed despite diligent
7 attempts to meet a deadline. Requests for extensions of time shall be electronically
8 filed at least three (3) business days before the deadline that is the subject of the
9 request. Whenever possible, the parties should make a request for extension of time
10 in the form of a proposed stipulated order.
11

12 **XI. Oral Argument**

13 Unless otherwise ordered, the issues presented in the Joint Stipulation shall be
14 deemed submitted for decision without oral argument.
15

16 **XII. Motions and Petitions for Attorney Fees**

17 **A. Equal Access to Justice Act**

18 1. Any motion or petition for attorney fees, costs, and expenses shall
19 be made in accordance with 28 U.S.C. § 2412 (EAJA). Plaintiff shall
20 electronically file a notice of any motion or petition for attorney fees, costs,
21 and expenses under the EAJA to both the AUSA and the Office of Regional
22 Counsel. A courtesy copy of the motion or petition, with the Notice of
23 Electronic Filing attached, shall either (a) be delivered to the court clerk in the
24 pro se office on the Fifth floor of 312 N. Spring Street, Los Angeles, California
25 no later than 4:00 p.m. on the next court day, or (b) be mailed to the court clerk
26 at the above address no later than the next court day.

27 2. The Commissioner shall have a period of twenty-one (21) days
28 from the date of electronic filing of the motion or petition within which to

1 electronically file the Commissioner's opposition to the motion or petition. A
2 courtesy copy of the Commissioner's opposition, with the Notice of Electronic
3 Filing attached, shall either (a) be delivered to the court clerk in the pro se
4 office on the Fifth floor of 312 N. Spring Street, Los Angeles, California no
5 later than 4:00 p.m. on the next court day, or (b) be mailed to the court clerk
6 at the above address no later than the next court day.

7 3. If the Commissioner believes that there is a possibility of arriving
8 at a settlement with plaintiff of the fees, costs and expenses issue, the parties
9 shall electronically file a stipulation to extend the time for the Commissioner
10 to file an opposition for the purpose of affording the parties an opportunity to
11 discuss settlement. Any such stipulated extension shall be electronically filed
12 prior to the date the Commissioner's opposition is due, and the stipulated
13 extension shall be for no more than thirty (30) days.

14 4. Assuming either that there is no extension to discuss settlement
15 or that no settlement is reached after such an extension, plaintiff may
16 electronically file a reply to the Commissioner's opposition within ten (10)
17 days of service thereof. A courtesy copy of the reply, with the Notice of
18 Electronic Filing attached, shall either (a) be delivered to the court clerk in the
19 pro se office on the Fifth floor of 312 N. Spring Street, Los Angeles, California
20 no later than 4:00 p.m. on the next court day, or (b) be mailed to the court clerk
21 at the above address no later than the next court day.

22 5. The matter will stand submitted pursuant to Local Rule 7-15 as of
23 the date of the last filing.

24 B. 42 U.S.C. § 406(b)

25 1. Any motion or petition for attorney fees pursuant to 42 U.S.C. §
26 406(b) shall be made by plaintiff's counsel within a reasonable time after the
27 publication of a notice by the Commissioner allowing the Court to determine
28 the maximum allowable fee under that provision. The motion or petition shall

1 include a statement by plaintiff's counsel indicating the amount of EAJA fees
2 and/or 42 U.S.C. § 406(a) fees awarded and/or requested.

3 2. Plaintiff's counsel shall electronically file any motion or petition
4 for attorney fees pursuant to 42 U.S.C. § 406(b) and manually serve copies on
5 the AUSA, the Office of Regional Counsel, and the plaintiff. Plaintiff's
6 counsel shall state in any notice that plaintiff may file any statement or
7 opposition with the Court not more than fourteen (14) days after service of the
8 motion [petition], and that any statement or opposition filed by plaintiff shall
9 be served on both plaintiff's counsel and the AUSA. A courtesy copy of the
10 motion or petition, with the Notice of Electronic Filing attached, shall either
11 (a) be delivered to the court clerk in the pro se office on the Fifth floor of 312
12 N. Spring Street, Los Angeles, California no later than 4:00 p.m. on the next
13 court day, or (b) be mailed to the court clerk at the above address no later than
14 the next court day.

15 3. The Commissioner shall electronically file any statement or
16 opposition not more than fourteen (14) days after service of the motion or
17 petition., and also manually serve a copy on the plaintiff. A courtesy copy of
18 the Commissioner's statement or opposition, with the Notice of Electronic
19 Filing attached, shall either (a) be delivered to the court clerk in the pro se
20 office on the Fifth floor of 312 N. Spring Street, Los Angeles, California no
21 later than 4:00 p.m. on the next court day, or (b) be mailed to the court clerk
22 at the above address no later than the next court day.

23 4. Plaintiff's counsel may electronically file a reply in support of the
24 motion or petition within seven (7) days of service of any statement or
25 opposition, and also manually serve a copy on the plaintiff. A courtesy copy
26 of the reply, with the Notice of Electronic Filing attached, shall either (a) be
27 delivered to the court clerk in the pro se office on the Fifth floor of 312 N.
28 Spring Street, Los Angeles, California no later than 4:00 p.m. on the next court

1 day, or (b) be mailed to the court clerk at the above address no later than the
2 next court day.

3 5. The matter will stand submitted pursuant to Local Rule 7-15 as of
4 the date of the last filing.

5
6 **IT IS SO ORDERED.**

7
8 DATED: _____
9

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11 JENNIFER T. LUM
12 UNITED STATES MAGISTRATE JUDGE
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